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REMARKS/ARGUMENTS

Claims 1 and 16 have been amended, and claims 59-88 have been added. Accordingly, upon entry of the above amendments, claims 1-3, 7-16, 19-22, 37-42, 45-49 and 57-88 will be pending in the application.

Telephonic Interview

During a telephonic interview on October 12, 2004, the undersigned attorney, Gunther J. Evanina, discussed with the Examiner, Mr. Mark K. Han, independent claims 1 and 16 in view of French Patent No. 2,718,358 (hereafter "Elfandi"). The thrust of Applicant's argument was that the devices of Elfandi do not include the required retainer part having two flexible legs that are "mutually joined at respective distal ends thereof," but instead only discloses a device having a retainer part with two flexible legs that may, in a particular device configuration, be held together. It was agreed that the above amended claims should be allowable over the applied references because Elfandi does not teach or suggest a retainer part having legs mutually joined at respective distal ends thereof before movement of the connector part to the engaged configuration, the legs being arranged to disengage from the body part when moving toward one another, or a retainer part having legs integrally formed with the respective distal ends thereof being mutually joined together, the legs being arranged to disengage from the body part when moving toward one another. Accordingly, it is believed that the claims as amended are allowable.

Prior Art Rejections

Claims 1-3, 7-11, 14, 16, 19-22, 37-39, 42, 45-49, 57 and 58 were rejected under 35 U.S.C. §102(b) as being anticipated by French Patent No. 2,718,358 to Elfandi.

It is respectfully submitted that the rejection based on Elfandi has been overcome by the amendments which require certain features which are not taught or suggested by Elfandi. In particular, Elfandi does not teach or suggest a locking mechanism for controlling engagement between parts moveable relative to one another in medical sharp devices which includes a retainer part having two flexible legs that are "mutually joined at respective distal ends thereof

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before movement of the connector part to the engaged configuration, the legs being arranged to disengage from the body part when moving toward one another." Similarly, Elfandi does not teach or suggest a locking mechanism for controlling engagement between parts moveable relative to one another in medical sharp devices having a retainer part with two flexible legs that are "integrally formed with the respective distal ends thereof being mutually joined together, the legs being arranged to disengage from the body part when moving toward one another." Accordingly, it is believed that the pending claims are patentable over Elfandi.

Dependent claims 12 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Elfandi, dependent claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Elfandi in view of U.S. Patent No. 5,342,309 to Hausser, and claims 40 and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,210,371 to Shaw in view of Elfandi.

It is respectfully submitted that dependent claims 12, 13, 15, 40 and 41 are allowable for at least the reasons generally set forth above with respect to the rejection of independent claims 1 and 16 based on Elfandi. Specifically, none of the prior art references, used either alone or in combination, teach or suggest the claimed device having a retainer part with flexible legs that are mutually joined at respective distal ends and/or integrally formed with the respective distal ends thereof being mutually joined together, so that the legs will disengage from the body part when they are moved toward one another.

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CONCLUSION

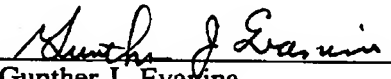
The Examiner's assistance in elucidating and helping Applicant resolve issues relating to the applied prior art references is greatly appreciated. It is believed that the application is now in condition for allowance and notice of the same is earnestly solicited.

Respectfully submitted,

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By: Price, Heneveld, Cooper,
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Date



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